

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	)	CASE NUMBER: 18-42230
	)	(Chapter 13)
GEORGE DALE WIGINGTON	)	
dba WYLIE INDUSTRIES	)	
dba WYLIE INVESTMENT GROUP	)	
	)	
Debtor	)	
	)	
GEORGE DALE WIGINGTON,	)	
	)	ADVERSARY NO. 19-04074
Plaintiff,	)	
	)	
v.	)	
	)	
NATIONSTAR MORTGAGE LLC	)	
d/b/a MR. COOPER and SELECT	)	
PORTFOLIO SERVICING INC.,	)	
	)	
Defendants.	)	
	)	

**NATIONSTAR MORTGAGE LLC'S OBJECTION TO  
PLAINTIFF'S MOTION FOR CLARIFICATION**

Nationstar Mortgage LLC d/b/a Mr. Cooper ("Nationstar") hereby files this objection to the *Motion for Clarification* [Dkt. #118] filed by plaintiff George Dale Wigington ("Plaintiff") on February 23, 2021. The Court should deny the *Motion for Clarification* because the Court's prior orders and instructions are clear. Simply put, there is no cause for what would be Plaintiff's fifth amended complaint.

**I.**  
**THE COURT'S PRIOR ORDRES ARE CLEAR**

In his *Motion for Clarification*, Plaintiff requests that the Court clarify "which, if any, of issues, negative defenses, or affirmative defenses ... have been dismissed or negated by the

Court.<sup>1</sup> He also seeks permission to file another amended complaint.<sup>2</sup> As noted, this would be Plaintiff's fifth amended complaint. However, as Plaintiff himself notes, the Court has previously provided explicit directives in its orders:

- "Subsequently, the Court permitted Plaintiff to 'amend his complaint against Nationstar for any cause of action limited to allegations regarding noticing acceleration, noticing foreclosure sales, or appointing or noticing appointment of substitute trustees in violation of the note or deed of trust, or applicable law.'"<sup>3</sup>
- "The Court's Memorandum Opinion and Amended Judgment provide that Plaintiff 'may file an amended objection to the proof of claim filed by Nationstar and assigned to SPS that sets forth his objections, if any, to the calculation of the amount set forth in the proof of claim.'"<sup>4</sup>
- "In its Order on Motion to Dismiss [DOC 91] the Court ordered that 'Plaintiff file a third amended complaint against Mr. Cooper with respect to the objection to claim by not later than December 15, 2020, but only to the extent that such an objection is limited to and consistent with this Court's [prior rulings].'"<sup>5</sup>

In essence, Plaintiff asks the Court to do this work for him—to edit his pleadings so that they conform to the Court's prior orders. But, given the plain language of the Court's orders, no such clarification is needed.

## II. ADDITIONAL DELAY NOT WARRANTED

More recently, on March 5, 2021, the Court granted Plaintiff's request for leave to file his *Fourth Amended Objection to Proof of Claim 4-1 and Complaint*. As a result of that order, Plaintiff's fourth amended complaint was deemed timely filed as of February 23, 2021, and Nationstar has until March 26, 2021 to answer or file an appropriate motion (e.g., a Rule 12

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<sup>1</sup> Motion for Clarification p. 7.

<sup>2</sup> Motion for Clarification p. 7.

<sup>3</sup> Motion for Clarification p. 2 (quoting Amended Judgment, Sept. 14, 2020, Dkt. #75).

<sup>4</sup> Motion for Clarification p. 3 (quoting Amended Judgment, Sept. 14, 2020, Dkt. #75).

<sup>5</sup> Motion for Clarification p. 3 (quoting Order on Motion to Dismiss, Dec. 11, 2020), Dkt. #91).

motion).<sup>6</sup> A fifth amended complaint would cause further delay, and Plaintiff presents no good cause for such leave at this time.

**III.  
PRAYER**

For the reasons stated in this objection, the Motion for Clarification filed by Plaintiff should be denied.

Dated: March 16, 2021

Respectfully submitted,

/s/ Matthew D. Durham

Matthew D. Durham

SBN: 24040226

**McGUIREWOODS LLP**

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**ATTORNEY FOR DEFENDANT**

**NATIONSTAR MORTGAGE**

**LLC D/B/A MR. COOPER**

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<sup>6</sup> Hearing held on March 5, 2021; order to come.

**CERTIFICATE OF SERVICE**

I hereby certify that on March 16, 2021, the undersigned served a true and correct copy of the foregoing as follows:

George Dale Wigington  
2451 Elm Grove Road  
Wylie, Texas 75098

*Via ECF Delivery*

***Plaintiff***

Yoshie Valadez  
McCarthy & Holthus, LLP  
1255 W. 15th Street, Suite 1060

Plano, Texas 75075

*Via ECF Delivery*

***Attorney for Select Portfolio Servicing Inc.***

/s/ Matthew D. Durham

Matthew D. Durham